IN RE:

PETITION FOR RESIDENTIAL

ZONING VARIANCE

N/S Stafford Drive, 820 ft. E

of Kenwood Avenue
333 Stafford Drive
1st Election District
1st Councilmanic District
Raimonde C. Aubrey, et ux

Petitioners

BEFORE THE

* ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 95-105-A

*

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Raimonde C. Aubrey and Phyllis Aubrey, his wife, for that property known as 333 Stafford Drive in the Catonsville Knolls subdivision of Baltimore County. The Petitioner/property owners herein seek a variance from Sections 1B02.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 ft. in lieu of the required 7-1/2 ft., for a proposed attached carport, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

OF SET RECEIVED FOR FILING
Decs 10/20/90
By 7/1/3021

MICROFILMED

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30 day of October, 1994 that the Petition for a Zoning Variance from Sections 1B02.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 ft., in lieu of the required 7-1/2 ft., for a proposed attached carport, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:mmn

-2-

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

October 19, 1994

Mr. and Mrs. Raimonde C. Aubrey 333 Stafford Drive Catonsville, Maryland 21228

RE: Petition for Administrative Zoning Variance Case No. 95-105-A

Property: 333 Stafford Drive

Dear Mr. and Mrs. Aubrey:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

MORNING WID

Petition for Administrative Variance 95-105-A

to the Zoning Commissioner of Baltimore County

for the property located at 333 STAFFORD DRIVE

which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 BDZ, 2 CI AND 301, 1, A (BCZR) TO PERMIT A 3 FT. SIDE YARD SETBACK IN LIEB OF THE REQUIRED 7 /2 FT. FOR A PROPOSED ATTACHED CARPORT,

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

DUE TO THE NARROWNESS OF LOTS 14-16 (GO FEET) AND THE LOCATION OF THE HOUSE & DRIVEWAY ON THE LOT, IT IS NOT PRACTICAL TO LOCATE A 2 CAR CARPORT AT ANY OTHER LOCATION ON OUR PROPERTY EXCEPT ON THE NORTHEAST SIDE.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

that the subject matter of this petition be set for a public hearing , odvertised, as required by the Zoning Regulations of Battimore County, in two newspapers of general

Zoning Commissioner of Baitimore County

circulation throughout Baltimore County, and that the property be repusted.

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Attain(s) does/do presently reside at	address	
-	CATONSVILLE, MD 21228 City State Zip Code	
That based upon personal knowledge, the follow Variance at the above address: (indicate hardship or p	wing are the facts upon which I/we base the request for an Administrative	
•	DRIVEWAY 9 & ADD A TWO CAR CARPOR	2 T
TO THE NORTHEAST SID	E OF OUR HOUSE, THIS WILL PUT THE	^
	ROPERTY LINE, THE CARPORT WILL	
PROTECT OUR TWO CA	RS (A 1989 & 1994) FROM THE ENVIRONA	uent,
BIRDS & SHEDDING FRON	N OUR NEIGHBORS-TREE, (PREVIOUS CAR	: 5
HAVE SUFFERED PAINT	DAMAGE). DUE TO THE LOCATION OF	THE
HOUSE & DRIVEWAY, IT I	IS IMPROCTICAL TO LOCATE THE C	:AR -
PORT IN ANY OTHER LO	OCATION ON THE PROPERTY	
may be required to provide additional information Raywords C. Gubre (signature) RAIMOND E. C. PUBRE (type or print name) STATE OF MARYLAND, COUNTY OF BALTI	Y PHYLLIS A. AUGREY (type or print name)	,
I HEREBY CERTIFY, thisday ofday ofday of Maryland, in and for the County aforesaid, pe	Sextender, 1994, before me, a Notary Public of the State ersonally appeared	
Raisonde C. aus	brey and theyllis a dubie	Ŋ
the Affiants(s) herein, personally known or satist that the matters and facts hereinabove set forth	factorily identified to me as such Affiantt(s), and made oath in due form of law are true and correct to the best of his/her/their knowledge and belief.	,
AS WITNESS my hand and Notarial Seal.		had.
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ZONING DESCRIPTION FOR 333 Stafford Drive, Catonsville, MD 21228
Beginning at a point on the North side of Stafford Drive which is 60 feet
wide at a distance of 820 feet East of the centerline of the nearest
improved intersecting street, Kenwood Avenue which is 53 feet wide
(including sidewalks). Being Lot # 14, 15, and 16 Block ______,
Section#_____ in the subdivision of Catonsville Knolls as recorded in
Baltimore County Plat Book #7, Folio #50, containing 15600 square feet.
Also known as 333 Stafford Drive, Catonsville, MD 21228 and located in
the First Election District, First Councilmanic District.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 95-105-1

Townen, Maryland

Posted for: Variance	Date of Posting 1/30/94
Posted for: Variance	***************************************
Petitioner: Ramonde & Phy// Hubre	y
Potitioner: Ratmonde & Phyll Hubre Location of property: 333 STafford Drito,	NS
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Location of Signa: Tecting road way on fro for	ty being zons &
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Remarks:	***************************************
Posted by Malesaley Date Signature	e of return: 10/7/94
Number of Signs:	



Date 9/22/94

Ballavare Cossay

Zoning Administration &

Development Management

111 West Chesapeake Avonue

Towson, Maryland 21204

Account: R-001-6150

75-105-1

By VLC

| RES VAR CODE 010 50.00 | SIGN POSTING " 080 35.00 OWNER AUBREY

MICROFILMED

LOC. 333 STAFFORD DR.

03A03H014BMICHRC

\$85.00

Please Make Checks Payable To: Baltimore County #55AM09-22-94



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR For newspaper advertising: Item No.: Petitioner: RAIMONDE C. E PHYLLIS A. HUBREY

Mocation: 333 STAFFORD PA. CATONSVILLE, MD. 21228 PLEASE FORWARD ADVERTISING BILL TO: C. AUBREY KAIMONDE ADDRESS: 333 STAFFORD DRIVE CATONS VILLE, MD 21228 PHONE NUMBER: (410) 788.-0677 MICROFILMED



AJ:ggs

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

September 30, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO:

Raimonde and Phyllis Aubrey

333 Stafford Drive

Catonsville, Maryland 21228

Re:

CASE NUMBER: 95-105-A (Item 107)

333 Stafford Drive

N/S Stafford Drive, 820' E of Kenwood Avenue 1st Election District -1st Councilmanic District

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

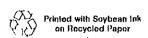
- 1) Your property will be posted on or before October 2, 1994. The closing date (October 17, 1994), is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL...

Arnold Jablon

Director

MARKE MAN



Office of Zoning Administration and Development Management



West Chesapeake Avenue wson, MD 21204

(410) 887-3353

OCT. 1 3 1994

Mr./Mrs. Raimonde Aubrey 333 Stafford Drive Baltimore, Maryland 21228

Re: item #107 Case 95-105

Dear Petitioner:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 16, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor

WCR: jaw

MICROFILMED

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

T0:

ZADM

DATE: 10/6/94

FROM:

DEPRM

Development Coordination

SUBJECT:

Zoning Advisory Committee Agenda: /0/3/94

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

Circut. 95-105

LS:sp

LETTY2/DEPRM/TXTSBP

office and the state of the sta

Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

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(410) 887-4500

DATE: 10/10/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION: DISTRIBUTION MEETING OF 10/11/94.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 105, 107, 109, 111 AND 112.



REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F



A CONTRACTOR STATE OF THE



BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 11, 1994 Zoning Administration and Development Management

FROM Robert W. Bowling, P.E., Chief Developers Engineering Section

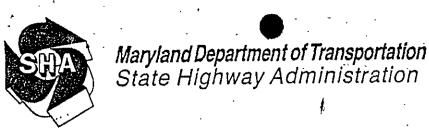
RE:

Zoning Advisory Committee Meeting for October 11, 1994 Items 105, 106, 107, 109 and 111

The Developers Engineering Section has reviewed the subject zoning items and we have no comments.

RWB: sw

AND WAR RAKEL



 O. James Lighthizer Secretary Hal Kassoff Administrator

Ms. Julie Winiarski Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Baltimore County Re:

Item No.: * 107 (JLL)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours, Bolo Small

David Ramsey, Acting Chief Engineering Access Permits

Division

BS/

MARYLAND BALTIMORE COUNTY,

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Zoning Administration and Development Management

DATE: September 28, 1994

FROM:

Pat Keller, Director

Office of Planning and Zoning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

109 and 111. Item Nos. 105, (107,

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Division Chief:

PK/JL:1w

ZAC.105/PZONE/ZAC1

Development Control
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

To whom it may concern:

Mr. R. Aubrey, a neighbor who lives across the street at 333 Stafford Drive in Catonsville, MD 21228 approached us and asked if we would have any objection to his building a two car carport on the left side of his house for protection of his two cars. Living almost directly across from Mr. Aubrey, we would be able to see the carport and feel that it would look just fine, a favorable addition to the look of the house. We would have no objection to the addition of this carport to Mr. Aubrey's property.

We would be glad to talk to anyone at your office if there are any questions concerning this matter. Our telephone number is (410) 744-7824.

Sincerely

Mr. Joseph Cugle 334 Stafford Drive

Catonsville, MD 21228

OPPOSITE ST. SIDE NEIGHBOR.

ACCOMPANY.

Development Control
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

To whom it may concern:

In a recent conversation with my next door neighbor, Mr. Raimonde C. Aubrey, he indicated that he wanted to build a double carport on his property at 333 Stafford Drive, Catonsville MD 21228 which borders on my property at 331 Stafford Drive. He showed me the plan of the proposed carport and I have no objection of any kind to the constuction of this addition to his home. Mr. Aubrey always takes good care of his property and the addition will enhance the property and protect his cars.

If there are any questions regarding this letter, you may contact me at the address listed below.

Bill Wellman

331 Stafford Drive

Catonsville, MD 21228

September 19, 1994

Development Control
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

To whom it may concern:

Mr. Raimonde Aubrey who resides at 333 Stafford Drive, Catonsville MD 21228 has asked me to write a letter in his behalf to assist him in his desire to build a carport on the Northeast side of his home. Mr. Aubrey is a good neighbor and takes great pride in his property and always keeps it in good condition and looking nice. I have noticed that a large tree on that side of his home deposits shells, nuts, leaves and branches on his driveway and cars and he does need some form of protection from this for his two cars.

I feel that adding a carport to his house will only increase the value of his property and the neighborhood and can find no reason to deny him the opportunity to build the carport. Please contact me at my address if you need any additional information.

Yours Truly,

Colin Barnett

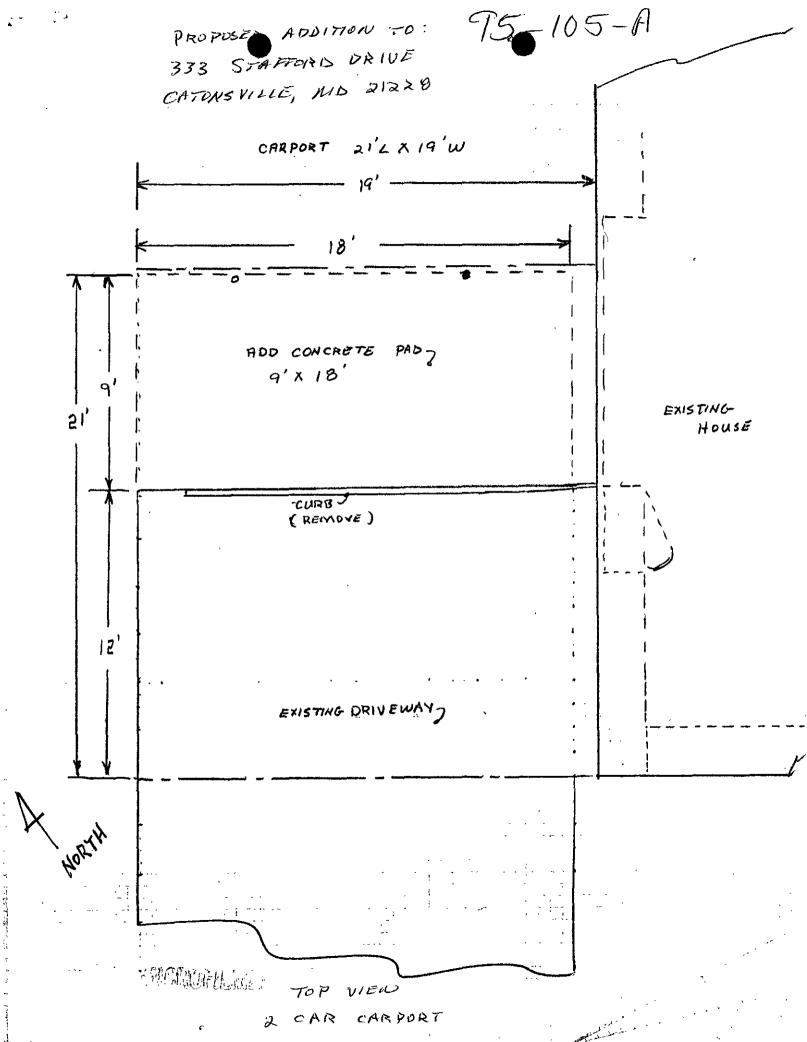
335 Stafford Drive

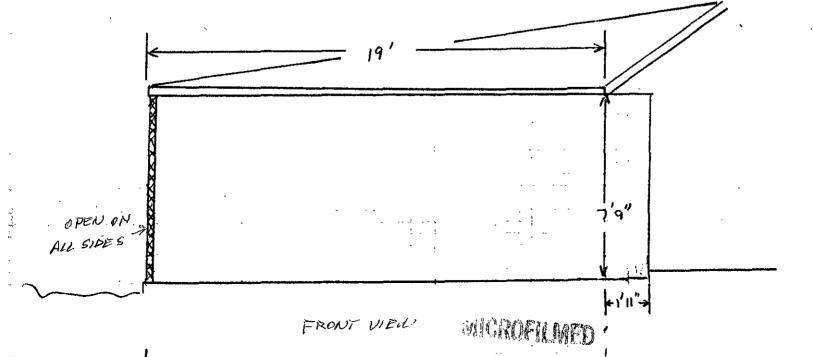
Catonsville, MD 21228

2 Plat prepared by: OWNER: RAIMONDE C. & PHYLLIS A. AUBREY Subdivision name: CHTONSVILEE PROPERTY ADDRESS: 333 date: plat book# / North ľ`; ", Ö , follo# 50 ,lot#14-16,section# accompany Petition for NELLMAN Suskn KENWOOD AVE. 920, 20 € EXISTING NO. 331 STAFFORD 21 X 19 CARPOR PROPOSED 8'TO 16' HIGH KNOLLS Scale of Drawing: 1"= 50 Jaor 212× W 77 STAFFORD DRIVE 260 EXISTING DWEL. DRIVE No. 333 5-105-H 80 Zoning 21228 8, (60'R/M, 18' PAVING) 260 õ EXISTING DWEL. No. 335 COLIN & SANDY see pages 5 & 6 of the CHECKLIST for additional required information BARNETT x Variance LOTS 17-19 Councilmanic District: Election District: Chesapeake Bay Critical Area: 1"-200" scale map# Prior Zoning Hearings: Zoning: Kennood Zoning Office USE ONLY! Lot size: LOCATION INFORMATION Special Hearing D. R. Θ scale: 1"-1000" Vicinity Map ITEM #: 1 57 157 SEWER: X square feet WATER: X NONE 2600 PROPERTY SUBJECT CASE#:

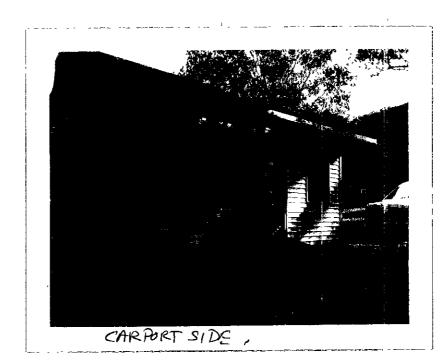
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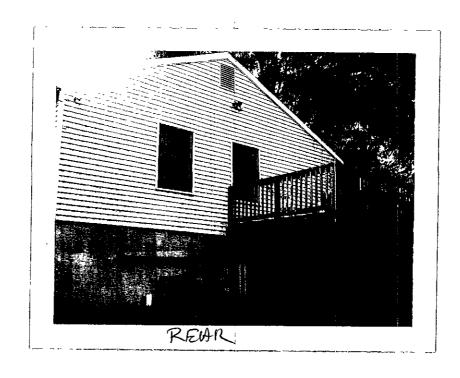
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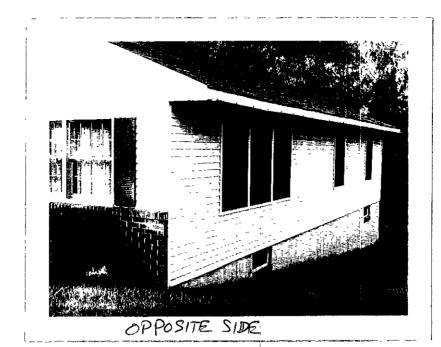




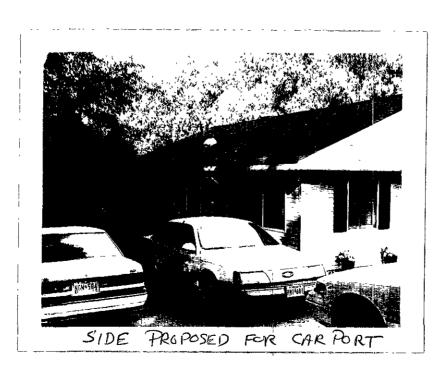


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•		APPROVAL AGENCIES	

If disapproved, state reasons why:

